

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14473 of Sidney Shankman and Rodney Rochlin, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to permit Second Genesis, Inc. to operate a private school and for a variance from the on site parking requirements (Sub-section 7202.1) in an R-4 District at premises 1318 Harvard Street, N.W., (Square 2855, Lot 822).

HEARING DATE: September 17, 1986

DECISION DATE: September 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as 1318 Harvard Street, N.W., is located in Square 2855, which is bounded on the north by Harvard Street, N.W., on the south by Girard Street, N.W., on the east by 11th Street, N.W. and on the west by 13th Street, N.W. The site is located in a R-4 District.
2. The site is rectangular in shape with a frontage of 19 feet along Harvard Street and a depth of 138.625 feet. A 12 foot wide public alley is located to the rear of the site. The site is improved with a three-story brick structure which is currently vacant and in poor condition.
3. The neighborhood surrounding the site consists predominantly of mid-rise apartments and row houses. There are a few high-rise apartment buildings. Commercial activity is located along 14th Street, N.W. In addition to the Fourteenth Street corridor which is within a block of the properties, some low density commercial properties are scattered throughout the area, including gas stations, liquor stores and grocery stores. Two blocks northwest of the site at 3020 14th Street, N.W. is the Cardozo Health Center which provides primary health care. Located behind the subject property across a public alley is a one-story office building which houses the Easter Seals Society, which is also known as the Society for Crippled Children. Adjacent to the building, Easter Seals also owns a parking lot which has a capacity for 25 vehicles. In Square 2856, one block east of the premises, is the District of Columbia Teachers College. Approximately two blocks northwest of the subject premises on 14th Street, N.W. is the Neighborhood Health Center.

4. The subject property is owned by Dr. Sidney Shankman, Executive Director of Second Genesis, Inc. and Dr. Alan Rochlin, Deputy Executive Director, and their spouses. It will be leased to Second Genesis, Inc.

5. Pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 3101.42 to operate a private school and for a variance from the on-site parking requirements (Sub-section 7202.1).

6. The property is located adjacent to 1320 Harvard Street, N.W. where Second Genesis operates a substance abusers home. The proposed private school will provide educational and therapeutic services for the residents of Second Genesis' substance abusers home.

7. The applicant, Second Genesis, Inc., is a nonprofit organization which operates residential drug abuse treatment programs in the Washington metropolitan area. The Second Genesis program originated in 1969 as the drug treatment component of the Alexandria Community Mental Health Center. Started initially under a contract with the National Institute of Health, Second Genesis is now a private, nonprofit professional treatment agency specializing in the rehabilitation of drug and alcohol abusers. The program, staffed by a professional team including psychiatrists, family therapists, learning disability specialists, and other mental health professionals, is designed as a therapeutic community providing a highly structured, strictly supervised, twenty-four-hour-per-day chemical free residential environment.

8. The educational and therapeutic activities proposed for the site are currently conducted at the adjacent substance abusers home. The establishment of the proposed school is necessary to create sufficient space at Second Genesis' substance abusers home for sleeping areas in compliance with the Housing Regulations. The applicant does not intend to significantly change or intensify its current operations.

9. The close proximity of Second Genesis' residential and educational components is most conducive to the need for strict supervision and a highly structured environment which is central to the program's effectiveness.

10. When Second Genesis acquired the adjacent property which it now uses for a substance abusers home, it was vacant and dilapidated and used as shooting gallery for addicts. Second Genesis completely renovated the building. Its residents did the majority of the renovation work. The residents continue to maintain the property in good repair. It has significantly enhanced the appearance of the neighborhood. The proposed site will be similarly renovated and maintained.

11. Strict supervision over the residents and the highly-structured routine of the program permits little free time for the residents to engage in their own activities outside of the premises.

12. As a part of the Second Genesis program, residents often participate in neighborhood sponsored activities by helping with alley clean-ups, yard sales and charity car washes.

13. Second Genesis has been a member of the community for nearly ten years and it has developed a good, cooperative rapport with its neighbors.

14. There have been no complaints from the neighbors about the level of noise coming from the premises. Residents are not permitted to stay outside the premises after 10:00 P.M. in the evening and they are in bed at 11:00 P.M. Since Second Genesis has been in operation, there have been no incidents where the police have been called to the facility because of a resident's suspected criminal involvement in the neighborhood.

15. The subject facility has been vacant for nearly a year and a half. There are other vacant properties on the block and a substantial number of boarded-up, dilapidated structures in the area. The establishment of the proposed school would both enhance the value and appearance of the neighboring property and contribute to the stabilization of the surrounding neighborhood.

16. Employees and visitors of Second Genesis are the only ones who may drive to the premises and require the availability of parking. Residents are not permitted to drive or maintain cars on the premises.

17. Second Genesis owns a passenger van which is used to transport residents of the facility.

18. The proposed school will not require student parking because its students will be residing next door at Second Genesis' substance abusers home. The proposed use will not increase the number of teachers and other professional staff which presently provide services to Second Genesis. Second Genesis' existing substance abusers home currently includes two on-site parking spaces. It is convenient to off-site parking and public transportation. The proposed school will provide two additional on-site parking spaces located behind the subject property.

19. Second Genesis' staff uses its two on-site parking spaces. Staff also uses the parking lot adjacent to the East Seals Society, which is directly behind the premises, and is by arrangement available to Second Genesis' visitors

and employees. This lot provides screened off-street parking and has a capacity for 25 vehicles.

20. Additionally, parking is also available on the surrounding streets within a two-block radius. Harvard Street is a one-way street going east. In front of the premises located at 2810 14th Street there is "One Hour Parking 7:00 A.M. - 4:00 P.M. and 6:30 P.M. through 8:00 P.M., Monday through Saturday." On the west side of 14th Street, N.W. there is no restriction. Restriction going north along 13th Street is "No Standing 7:00 A.M. - 9:30 A.M., Monday to Friday." Going south the restriction is "No Parking 4:00 P.M. - 6:00 P.M., Monday to Friday." There are two Metrobus stops located on each side of 14th Street between Girard Street and Columbia Road. This route is served by the 50, 52 and 54 buses. There is one Metrobus stop on 13th Street serviced by the P7. The H2 and H4 travel along Columbia Road with a stop about 100 feet from the Columbia Road and 14th Street intersection. Metrobus service on these routes during rush hour intervals (6:00 A.M. to 9:30 A.M. and 3:00 P.M. to 6:30 P.M.) is approximately every ten to fifteen minutes.

21. For a private school, the Zoning Regulations require two parking spaces for each three teachers plus either one parking space for each ten classroom seats or one parking space for each twelve stadium seats or each ten auditorium seats, whichever is greater. The private school proposed in this application will have a total of twelve teachers and a total of fifty-six classroom seats. On the basis of these figures, a total of 14 parking spaces (six parking spaces, for the classroom seats, and eight spaces for teachers) are required under the Regulations.

22. Improvements on the subject property do not permit the location of additional on-site parking facilities. The property is bounded in the rear by a narrow public alley which may provide access to the two available parking spaces. This is the only existing space for on-site parking.

23. By memorandum dated September 10, 1986, the Office of Planning (OP) recommended approval of the application. The OP reported that it was of the opinion that the applicant has met the test under Sub-sections 8207.2 and 7202.1 and Paragraphs 8202.11 and 3101.42 for an area variance and special exception. The applicant has proved that a practical difficulty exists, that no substantial area impacts will occur and the granting of the proposal will not impair the the intent, purpose and integrity of the Zone Plan for the city. Also, the applicant demonstrated that the proposed private school is not a trade school, that no residence for teachers and staff is provided, and the school is so located as not likely to become objectionable to adjoining and nearby property. The Board concurs.

3101.422 Ample parking space, but not less than that required in Article 72 of these regulations, is provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The Board concludes that the applicants have met their burden of proof. The location and the program are not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. The proposed use will not cause any significant increase in the demand for parking or traffic congestion in the surrounding area.

The existing substance abusers home as operated successfully for nine years at its present occupancy level. The proposed relocation of nonresidential services to the adjoining property will provide for the continued viability of the Second Genesis program without adverse consequences to the immediate area or district at large.

The Board further concludes that the applicant is seeking a variance from the parking requirements, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan. The Board concludes that the applicants have met the burden of proof. The subject property is unique and exceptional in that the subject property shall exclusively serve the adjoining facility. As a private school for the residents of Second Genesis' adjoining substance abusers home, the parking needs for the subject facility are substantially diminished. The character of the facility's use also evidence the unique and exceptional status of the property. The strict application of the parking requirement would result in exceptional practical difficulties because the site is not large enough to provide the required number (14) of on-site parking spaces. A strict application of the requirement is not only impossible to meet, but is also not warranted by the proposed operation of the private school.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property. The Board

further concludes that it has accorded to ANC 1B the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Patricia N. Mathews, William F. McIntosh, Paula L. Jewell, Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER:

NOV 14 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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